S.B. CIVIL WRIT PETITION NO.4721/2004
Brij Lal vs. State of Rajasthan and others.

Date : 14.12.2004

HON'BLE MR. PRAKASH TATIA, J.

Mr. Kailash Khatri, for the petitioner.
Mr. Shyam Ladrecha, Dy.GA)
Mr. Sunil Beniwal) for the respondents.

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Heard learned counsel for the parties.

Learned counsel for the petitioner submits that the Superintending Engineer vide order dated 18.10.2004 (Annex.3) allowed the application of the applicant Nathu Ram (present respondent no.3) and permitted installation of GI pipeline so that he may have the irrigation facility through GI pipe from his own tube well. The permission was needed because that pipe was to cross a canal.

The grievance of the petitioner is that the pipeline is sought to be installed near the house of the petitioner. The petitioner's apprehension is that in case there will be any damage to the pipeline or it will broke down, than the petitioner's house will be flooded with water. Learned counsel for the petitioner further submits that the order Annex.3 passed by the Superintending Engineer is without jurisdiction in view of the fact that such type of order can be passed only by the Executive Engineer and the Superintending Engineer is the appellate authority.

I have considered the rival submissions and have perused the record.

The fact as stated by learned counsel for the petitioner clearly reveals that the respondent no.3 is permitted to take water from his own tube well to his agriculture field and there is a canal flowing which is required to be crossed by

pipeline. The apprehension of the petitioner that the GI pipe which will be fixed by the respondent no.3 may get damaged and his house may be flooded with water, appears to be having no logical basis. Since the petitioner has no locus standi to challenge the order Annex.3, therefore, the writ petition deserves to be dismissed as the petitioner is not likely to suffer any injury by the order passed by the Superintending Engineer.

In view of the above, this writ petition having no merit, is hereby dismissed. Interim order granted by this Court on 28.10.2004 stands vacated.

(PRAKASH TATIA), J.

S.Phophaliya